

MAR 18 2015

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DAVID J. MALAND, CLERK
BY
DEPUTY _____

UNITED STATES OF AMERICA §
§
V. §
§
JAVIER MARTINEZ RODRIGUEZ, (01) §
aka "Pelon" §
RODRIGO SALINAS-LOZOYA, (02) §
aka "El Viejon," aka "Kiko" §
JOSE LUIS SERVIN-ESCALERA, (03) §
aka "Luigi," aka "Primo" §
FELIPE GONZALES, aka "Flip" (04) §
JUAN ARMANDO SERVIN, (05) §
aka "Primo," "Mandugas," or §
"Macho Prieto" §
JAVIER SECARA SERVIN, (06) §
aka "Flaco" §
JOSE ALFREDO SERVIN, (07) §
aka "Salchicha" §
FLAVIO FERNANDO BALDERAS, (08) §
aka "Gato" §
GERARDO SERVIN ESCALERA, (09) §
aka "Lalo" §
JOSE JUAN GARCIA, (10) §
aka "La Borrega" §
JOHNNY RAY JOHNSTON (11) §
AUSTIN TAMAS GIPSON (12) §
RAYMOND MATTHEW BURTON (13) §
DAVID DEWAYNE GOUGE (14) §
FLAVIO ANTONIO BALDERAS (15) §
MILTON CYNELL MCFARLAND (16) §
JAMES CARLOS SIMMS (17) §
TOYN BERNARD MCCUIN (18) §
VANDORUS TRANODE HORN, (19) §
aka "Cookie" §
NICOLAS BARAJAS (20) §
VICTOR SERVIN (21) §
RAUL HERNANDEZ, JR., (22) §
aka "White Boy" §

CRIMINAL NO. 6:15CR 25
JUDGE MHS/JDL

SEALED

TIMOTHY DEWAYNE GRAY (23)	§
JUSTIN WAYNE DEDMON (24)	§
JESSICA LEE WOLF (25)	§
PENNY ANN KING (26)	§
KYLE JOSEPH SANTUCCI (27)	§

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

COUNT ONE

Violation: 21 U.S.C. § 846
(Conspiracy to possess with intent to distribute
and distribution of at least 1.5 kilograms of a
mixture or substance containing a detectable
amount of methamphetamine (actual) and other
controlled substances)

From on or about July 1, 2014, the exact date being unknown to the United States Grand Jury, and continuing thereafter, until at least the return of the date of this indictment, in the Eastern District of Texas and elsewhere, **Javier Martinez Rodriguez a/k/a “Pelon”, Rodrigo Salinas-Lozoya a/k/a “Kiko” a/k/a “El Viejon”, Jose Luis Servin-Escalera a/k/a “Primo” a/k/a “Luigi”, Felipe Gonzales a/k/a “Flip”, Juan Armando Servin a/k/a “Primo” a/k/a “Mandugas” a/k/a “Macho Prieto”, Javier Secara Servin a/k/a “Flaco”, Jose Alfredo Servin a/k/a “Salchicha”, Flavio Fernando Balderas a/k/a “Gato”, Gerardo Servin-Escalera a/k/a “Lalo”, Jose Juan Garcia a/k/a “La Borrega” a/k/a “Jose Juan Garcia-Torres”, Johnny Ray Johnston, Austin Tamas Gipson, Raymond Matthew Burton, David Dewayne Gouge, Flavio Antonio Balderas, Milton Cynell McFarland, James Carlos Simms, Tony Bernard McCuin,**

Vandoras Tranode Horn a/k/a “Cookie”, Nicolas Barajas, Victor Servin, Raul Hernandez Jr. a/k/a “White Boy”, Timothy Dewayne Gray, Justin Wayne Dedmon, Jessica Lee Wolf, Penny Ann King, and Kyle Joseph Santucci, the defendants herein, did knowingly, intentionally, and unlawfully, combine, conspire, and confederate with each other and others, both known and unknown to the United States Grand Jury, to violate a law of the United States, to-wit, 21 U.S.C. § 841(a)(1), prohibiting the possession with intent to distribute and distribution of at least 1.5 kilograms of a mixture or substance containing a detectable amount of methamphetamine (actual), a Schedule II controlled substance, and other controlled substances.

In violation of 21 U.S.C. § 846.

COUNT TWO

Violation: 8 U.S.C. § 1326(a) & (b)(2) (Criminal Alien Unlawfully Present in the United States After Deportation)

On or about October 25, 2014, **Javier Martinez Rodriquez a/k/a “Pelon”**, an alien, who had previously been arrested and removed from the United States, knowingly and unlawfully was found present in the United States, that is, in Cherokee County, in the Eastern District of Texas, said defendant having not obtained the consent of the Secretary for Homeland Security of the United States to reapply for admission into the United States.

In violation of 8 U.S.C. § 1326(a) & (b)(2).

COUNT THREE

Violation: 8 U.S.C. § 1326(a) & (b)(2) (Criminal Alien Unlawfully Present in the United States After Deportation)

On or about October 31, 2014, **Jose Luis Servin-Escalera a/k/a “Primo” a/k/a “Luigi”**, an alien, who had previously been arrested and removed from the United States, knowingly and unlawfully was found present in the United States, that is, in Cherokee County, in the Eastern District of Texas, said defendant having not obtained the consent of the Secretary for Homeland Security of the United States to reapply for admission into the United States.

In violation of 8 U.S.C. § 1326(a) & (b)(2).

COUNT FOUR

Violation: 18 U.S.C. § 922(g)(1)
(Felon in Possession of a Firearm)

On or about July 3, 2014, in Cherokee County, Texas, within the Eastern District of Texas, **Timothy Dewayne Gray**, the defendant herein, having been convicted of an offense punishable by a term of imprisonment exceeding one year, specifically:

- (1) Injury to a Child, a State of Texas Third Degree Felony, Cause No. 16765, 2nd Judicial District Court, Cherokee County, Texas, convicted on March 8, 2007;
- (2) Possession of a Controlled Substance, Methamphetamine, a State of Texas State Jail Felony, Cause No. 15899, 2nd Judicial District Court, Cherokee County, Texas, convicted on March 8, 2007;

did knowingly and intentionally possess a silver Irwindale Arms, Inc. (IAI) .380 caliber ACP handgun bearing serial number M01641, which had been shipped or transported in interstate commerce.

In violation of 18 U.S.C. § 922(g)(1).

COUNT FIVE

Violation: 18 U.S.C. § 922(g)(1)
(Felon in Possession of a Firearm)

On or about September 16, 2014, in Angelina County, Texas, within the Eastern District of Texas, **Raymond Matthew Burton**, the defendant herein, having been convicted of an offense punishable by a term of imprisonment exceeding one year, specifically:

- (1) Possession of a Controlled Substance, a State of Texas State Jail Felony, Case No. 2012-0259, 217th Judicial District Court, Angelina County, Texas, convicted on May 22, 2012;
- (2) Evading Arrest with a Vehicle, Probation Revocation, a State of Texas State Jail Felony, Case No. CR-29130, 217th Judicial District Court, Angelina County, Texas, convicted on May 22, 2012;

did knowingly and intentionally possess a stolen Smith and Wesson Sigma .40 caliber pistol bearing serial number RBA4203, which had been shipped or transported in interstate commerce.

In violation of 18 U.S.C. § 922(g)(1).

COUNT SIX

Violation: 18 U.S.C. § 922(g)(1)
(Felon in Possession of a Firearm)

On or about October 23, 2014, in Cherokee County, Texas, within the Eastern District of Texas, **Justin Wayne Dedmon**, the defendant herein, having been convicted of an offense punishable by a term of imprisonment exceeding one year, specifically:

Burglary of a Habitation, a State of Texas Second Degree Felony, Case No. 18309, 2nd Judicial District Court, Rusk, Cherokee County, Texas, convicted on July 6, 2012;

did knowingly and intentionally possess the following stolen firearms: (1) a Remington 12-gauge shotgun, unknown serial number; (2) a .22-250 caliber Remington rifle bearing serial number 146384129; (3) a 12-gauge shotgun unknown manufacturer and serial number; (4) a Smith and Wesson model 157 .41 caliber revolver bearing serial number 706953, and (5) a .22 caliber pistol, unknown manufacturer and serial number, all of which had been shipped or transported in interstate commerce.

In violation of 18 U.S.C. § 922(g)(1).

COUNT SEVEN

Violation: 18 U.S.C. § 922(j)
(Possession of Stolen Firearms)

On or about April 24, 2014, in Cherokee County, Texas, within the Eastern District of Texas, **Flavio Antonio Balderas**, the defendant herein, did unlawfully possess, conceal, and store, the following stolen firearms **Flavio Antonio Balderas** obtained during

residential burglaries: (1) a 9mm Taurus Pistol with unknown serial number; (2) a 12-gauge Remington pump action shotgun with unknown serial number; and (3) a 20-gauge pump action shotgun with unknown serial number, all of which had been shipped or transported in interstate or foreign commerce, either before or after it was stolen, and said defendant did have knowledge and did have reasonable cause to believe that said firearms were stolen.

In violation of 18 U.S.C. § 922(j).

NOTICE OF INTENT TO SEEK CRIMINAL FORFEITURE
Pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461

As the result of committing one or more of the foregoing offenses alleged in this indictment, the defendants herein shall forfeit to the United States pursuant to 21 U.S.C. § 853, 18 U.S.C. § 924(d) and 28 U.S.C. § 2461:

1. any property constituting, or derived from, and proceeds the defendants obtained, directly or indirectly, as the result of such violations;
2. any of the defendants' property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, and/or,
3. any and all firearms, ammunition and accessories seized from the defendants, including but not limited to the following:

Real Property:

- (1) 2267 FM 22 E. Jacksonville, Cherokee County, Texas 75766
Legal Description: A 774 BLK 1377A TR 15 H B STEPHENS 108& 14B
Property ID 117739000

- (2) 630 Pine Street, Jacksonville, Cherokee County, Texas 75766
Legal Description: LOT 16 BLK 161 JACKSONVILLE
Property ID 222919000
- (3) 3711 State Highway 135 N., Jacksonville, Cherokee County, Texas 75766
Legal Description: A 41 BLK 1594 TR 10C J PINEDA H06
Property ID 985820481

Vehicles:

- (1) Red 2006 Dodge Ram Pickup Truck, Texas license plates DTZ7474
Vehicle Identification Number (VIN) 1D7HA16226J216679
- (2) White 2007 Cadillac Escalade, Texas license plates CRJ3142
Vehicle Identification Number (VIN) 3GYFK628X7G265566
- (3) Red 2008 GMC Sierra, Texas plates AJ47050
Vehicle Identification Number (VIN) 2GTEC19J581295390
- (4) Black 2003 Dodge Ram 1500 Pickup Truck, Texas plates DTZ7785
Vehicle Identification Number 1D7HA18D93S29808

Firearm Seized from Raul Hernandez Jr.:

Black Springfield XD 9mm pistol bearing serial number XS936780

Firearm Seized from Timothy Dewayne Gray:

Silver Irwindale Arms, Inc. (IAI) .380 caliber ACP handgun bearing serial number M01641

US Currency:

- (1) \$2,626.00 in U.S. currency seized from **Raymond Matthew Burton**
- (2) \$1,824.00 in U.S. currency seized from **Raul Hernandez, Jr.**
- (3) \$700.00 in U.S. currency seized from **Penny Ann King**

Cash Proceeds:

\$250,000.00 in United States currency and all interest and proceeds traceable thereto, in that such sum in aggregate is proceeds obtained directly or indirectly as a result of the commission of the aforesaid violations.

Substitute Assets

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants -

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with a third person;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendants up to the value of the above forfeitable property, including but not limited to all property, both real and personal owned by the defendants.

By virtue of the commission of the offenses alleged in this indictment, any and all interest the defendants have in the above-described property is vested in the United States and hereby forfeited to the United States pursuant to 21 U.S.C. § 853 and 28 U.S.C. § 2461.

A TRUE BILL

BK
GRAND JURY FOREPERSON

JOHN M. BALES
UNITED STATES ATTORNEY

A handwritten signature in black ink, appearing to read "Rich L Moore", written over a horizontal line.

RICHARD L. MOORE
Assistant United States Attorney
110 N. College, Suite 700
Tyler, Texas 75702
(903) 590-1400
(903) 590-1439 (fax)

3-18-2015
Date

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NOTICE OF PENALTY

COUNT ONE

Violation:	21 U.S.C. § 846 (Conspiracy to possess with intent to distribute and distribution of at least 1.5 kilograms of a mixture or substance containing a detectable amount of methamphetamine (actual))
Penalty:	Imprisonment for a term of not less than ten (10) years or more than life, a fine not to exceed \$10,000,000, or both; a term of supervised release of at least four (4) years in addition to such term of imprisonment.
Special Assessment:	\$100.00

COUNTS TWO & THREE

Violation:	8 U.S.C. § 1326(a) & (b)(2) (Criminal Alien Unlawfully present in the United States After Deportation)
Penalty:	Imprisonment for not more than twenty (20) years, a fine not to exceed \$250,000.00, or both; and supervised release of not more than three (3) years.
Special Assessment:	\$100.00

COUNTS FOUR, FIVE, & SIX

Violation:	18 U.S.C. § 922(g) (Felon in Possession of a Firearm)
Penalty:	Imprisonment for a term of not more than ten (10) years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three (3) years in addition to such term of imprisonment.
Special Assessment:	\$100.00

COUNT SEVEN

Violation:	18 U.S.C. § 922(j) (Possession of Stolen Firearms)
Penalty:	Imprisonment for a term of not more than ten (10) years, a fine not to exceed \$250,000, or both; a term of supervised release of not more than three (3) years in addition to such term of imprisonment.
Special Assessment:	\$100.00